

SECOND DRAFT
THESE MINUTES HAVE NOT BEEN READ OR APPROVED BY THE COMMITTEE
CHAIR

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: September 8, 2004

LOCATION: Room 260

CALLED TO ORDER: 5:06 p.m.

ADJOURNED: 7:43 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Scott Schneider
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Steve Talley

Absent Members

AGENDA

BUDGET HEARING

Review and Analysis

PROPOSAL NO. 453, 2004 adopts the annual budget of the Police Special Service District for 2005 appropriating \$135,264,924 and levying property taxes to fund such budget
“Do Pass as Amended” Vote 3-3-1

PROPOSAL NO. 454, 2004 adopts the annual budget for the Fire Special Service District for 2005 appropriating \$92,569,911 and levying property taxes to fund such budget
“Do Pass as Amended” Vote 4-3

PROPOSAL NO. 456, 2004 adopts the annual budget for 2005 for the Consolidated City appropriating \$246,986,660 (Public Safety portion only)
“Do Pass” Vote 7-0

PROPOSAL NO. 459, 2004 adopts the annual budget for the Metropolitan Emergency Communications Agency for 2005 appropriating \$4,959,443
“Do Pass as Amended”

Vote 7-0

PROPOSAL NO. 462, 2004 adopts the annual budget for 2005 for certain Marion County law enforcement and correction agencies appropriating \$93,813,853
“Postpone as Amended”

Vote 7-0

PROPOSAL NO. 463, 2004 adopts the annual budget for 2005 for certain judicial agencies of Marion County appropriating \$70,507,887
“Do Pass as Amended”

Vote 6-1

PROPOSAL NO. 466, 2004 determines the tax levy for 2005 for each fund of the Consolidated City and Marion County (Public Safety portion only)
“Postpone as Amended”

Vote 7-0

PROPOSAL NO. 467, 2004 authorizes the payment of certain dues for the city and county offices and agencies (Public Safety portion only)
“Do Pass”

Vote 5-2

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, September 8, 2004. Chairwoman Mary Moriarty Adams called the meeting to order at 5:06 p.m., with the following members present: Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, Scott Schneider and Steve Talley.

Chairwoman Moriarty Adams acknowledged Councillor Plowman for his service to the City County Council, to his constituents in Franklin Township and to the Public Safety Committee and for his willingness to go to Iraq.

PROPOSAL NO. 453, 2004 adopts the annual budget of the Police Special Service District for 2005 appropriating \$135,264,924 and levying property taxes to fund such budget

Robert Turner, Director of Public Safety, stated that when the budget was presented for Public Safety at the last meeting it explained the challenges and the needs of the different departments. He urged the Council to support the Public Safety budget.

Barbara Lawrence, City Controller, stated that this year’s budget was quite a challenge to put together, primarily because the city faces so many issues in Public Safety. The City is at a point where Public Safety operations and pension obligations are in a direct conflict with each other

and that made putting this budget together even more challenging. Ms. Lawrence stated she would like to offer an amendment to Proposal No. 453, 2004 that address two primary issues. The first issue deals with a decrease in the COIT revenues. At the time when the presentation for the budget overview was given, the 2005 budget was based on the COIT distribution in 2004, because the certifications for the 2005 COIT distribution had not been received. That certification came last week, which required the Controller's office to make some changes to reflect a decline in COIT. The second part of the amendment regards the state pension relief fund increasing about \$4million. Ms. Lawrence stated that there is no change to the appropriation, only to the mix of the revenue in Proposal No. 453, 2004.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 453, 2004.as per Exhibit A. This motion carried by a vote of 7-0.

[Clerks note: Exhibit A is the amended version of Proposal No. 453, 2004 and is on file in Council office]

Councillor McWhirter asked if Proposal Nos. 453 and 454 were based on the \$10 million loan from the Sanitary Liquid Waste Fund and a bond issue up to a \$100 million. Ms. Lawrence answered in the affirmative. Councillor McWhirter asked if either one of these issues passed the Full Council. Ms. Lawrence answered in the negative, and stated the committee has approved them. Councillor McWhirter stated it would be very hard to vote against a budget for the police and the fire department but the budget is based on something that has not pass the full council yet, and on something that she believed to be illegal. Councillor McWhirter stated she will not vote for either of the two proposals.

Councillor Schneider asked what would happen if the Bond is not repaid. Ms. Lawrence stated that it is difficult to assume a situation where the bond would not be repaid, but agreed that nonpayment would trigger a tax increase for the county and state. Councillor Schneider asked if the bond issue was for city pension only. Ms. Lawrence answered in the affirmative. Councillor Schneider asked if there is precedence for this issue. Ms. Lawrence stated that she sent out information to all of the Council members regarding municipalities across the nation that have chosen to issue pension obligation bonds, and it is a common practice. Almost every school district within Marion County has decided to issue pension obligation, or severance bonds. Councillor Schneider asked what the funding source is to pay the bond back. Ms. Lawrence answered the intent is to use COIT. She said that budgets are inherently based on projections and things that may or may not occur. She stated that this is the most viable option and it will allow some flexibility to consider other options. Councillor Schneider stated that he supports Public Safety, but he will not support this proposal in good faith.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 453, 2004 to the full Council with at "Do Pass as Amended " Recommendation. This motion carried by a vote of 4-3 with Councillor Schneider, Councillor Plowman, and Councillor McWhirter casting the negative votes.

PROPOSAL NO. 454, 2004 adopts the annual budget for the Fire Special Service District for 2005 appropriating \$92,569,911 and levying property taxes to fund such budget

Ms. Lawrence stated this amendment is also because of a decrease in the COIT revenues.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 454, 2004 as per Exhibit B. This motion carried by a vote of 7-0.

[Clerks note: Exhibit B is the amended version of Proposal No. 454, 2004 and is on file in Council office with the original minutes]

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 454, 2004 to the full Council with at "Do Pass as Amended" Recommendation. This motion carried by a vote of 4-3 with Councillor Schneider, Councillor Plowman, and Councillor McWhirter casting the negative votes.

Councillor Schneider stated that he voted against Proposal 454, 2004 because of the loan and bond issues.

Councillor Franklin asked Councillors Schneider and McWhirter if they had any suggestion other than the loan and the bond. Councillor Schneider stated in years past there have been different budget solutions to things but to get to a situation and borrow is not the right answer. Councillor McWhirter stated that she believes there were a couple of issue that could have been prevented this year and that there are other options other than the loan.

Councillor Talley stated there is an obligation to pay the pension for the police officers and the firemen.

Councillor McWhirter stated she agrees that every firefighter and police officer deserves a pension, but she believes that the loan and bond issue is not the answer.

Chairwoman Moriarty Adams said let the record reflect on Proposal 453, 2004 that Councillor Franklin wants her vote to show as abstained, which would change the vote to three to three with one abstention.

Councillor Schneider stated Proposal 453, 2004 did not pass due to a lack of the majority votes. Chairwoman Moriarty Adams said she thinks it will be taken up by the full Council. Kent Burrow, Chief Financial Officer, stated the record will show at the Council meeting that the vote was three to three in committee with no recommendation to pass or to fail.

PROPOSAL NO. 456, 2004 adopts the annual budget for 2005 for the Consolidated City appropriating \$246,986,660 (Public Safety portion only)

Chairwoman Moriarty Adams read Proposal No. 456, 2004 and asked the committee and the general public if there were any questions or comments.

There being none, Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 456, 2004 to the full Council with at "Do Pass " Recommendation. This motion carried by a vote of 7-0

PROPOSAL NO. 459, 2004 adopts the annual budget for the Metropolitan Emergency Communications Agency (MECA) for 2005 appropriating \$4,959,443

Linn Piper, Director of MECA, stated that he would like to present an amendment to reduce their budget due to re-negotiation of the maintenance contracts and no rent increase for 2005. He said he would like to amend the MECA General Fund Character 03, Object 349 by a decrease of \$41,854, and The MECA Emergency Telephone System Fund Character 03, Object 371 by a decrease of \$5,097.

Councillor Schneider moved, seconded by Councillor McWhirter, to amend Proposal No. 459, 2004 as per Exhibit C. This motion carried by a vote of 7-0.

[Clerks note: Exhibit C is the amended version of Proposal No. 459, 2004 and is on file in Council office with the original minutes]

Councillor McWhirter asked if there is somewhere in the line 16 stated that should also be amended. Mr. Jones stated the original amount of \$3,186,592 should be amended to \$3,144,738. and line 10 will be \$1,717,764.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 454, 2004 to the full Council with at "Do Pass as Amended " Recommendation. This motion carried by a vote of 7-0

PROPOSAL NO. 462, 2004 adopts the annual budget for 2005 for certain Marion County law enforcement and correction agencies appropriating \$93,813,853

Mr. Borrow stated the Council office had a motion to Proposal No. 462, 2004 to amend Section 1 (a) appropriation for Forensic Services Agency. It increases Character 01 from \$2,930,061 to \$3,092,542; in Character 02, Supplies from \$114,819 to \$158,667; in Character 03 it increases from \$178,996 to 247,091 and in Character 04 from \$16,153 to \$126,005 for a total appropriation of the amended amount to \$3,624,305. The total change over all four Characters is \$176,010. This was the request of the agency to be fully funded.

Councillor McWhirter stated in the budget book the agency request was for \$3,534,566, and asked why the additional amount of money. Mr. Borrow stated the additional amount in the budget book falls under Character 01 should be \$3,092,542, in Character 02 the requested amount is \$158,667, in Character 03 the request is for \$247,091. The remaining \$80,313 will be used to cover accreditation charges, which were not included in the original budget proposed by the Auditor. The requested amount of \$126,005 will allow the agency to maintain the current level of services for 2005.

Councillor Schneider asked if the additional funding was from ISA credits. Mr. Borrow answered in the affirmative. He stated that the estimated County General Fund balance for December 31, 2005 will be \$7,085,847 due to the cuts that were made in the September 7, 2004 Administration and Finance committee meeting. Pete Mungovan, Administrator for Forensic Services Agency, stated that he urges a "Do Pass" on this amended proposal. This agency is important and vital to law enforcement.

Councillor McWhirter stated she believes this is a very good agency and it needs to be funded, but the issue is that Mr. Borrow's proposed is more than what the agency requested in the budget book. Larry Shultz, Forensic Services Agency Chief Financial Officer, stated that the problem goes back to 2003 during the same budget process, where in committee the current lab director received approval for additional staffing of two positions for a DNA lab, which also appeared in the 2004 Marion County budget book. Based on that the Lab Director agreed to hire the people immediately in 2003 and fund those positions from the Special Revenue Fund with funding coming from Marion County beginning in January 1, 2004. After those people were hired, the funding disappeared due to the full Council. The Special Revenue Fund ends this year so the difference between what was proposed and what was requested is to continue the funding of the two positions.

Councillor Schneider asked has if there been any discussion about re-establishing the intern program. Mr. Shultz stated that the agency does not want to return to the program at this point, because it took too much time away from casework. Mr. Shultz stated that Henry County has asked the agency to do some cases for them and pay for it, but with an estimated 25 cases a year, it would generate only \$10,000 at the most. .

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 462, 2004 as per Exhibit D. This motion carried by a vote of 7-0.

[Clerks note: Exhibit D is the amended version of Proposal No. 462, 2004 and is on file in Council office with the original minutes]

Mr. Borrow stated that part of the budget cuts or transfers to other special revenue funds that were made was to free up county general fund balance in order to fund the different public safety agencies. One additional law enforcement agency that was not included in this amendment is the sheriff, and at this point there is no amendment ready for the sheriff. Mr. Borrow stated that he would suggest to the committee to postpone this motion and take it up at a committee meeting prior to the full Council meeting on September 13, 2004 so the committee can fully consider all of the available options to provide funding to the sheriff's department.

Councillor Talley moved, seconded by Councillor Oliver, to "Postpone as Amended" Proposal No. 462, 2004 until September 13, 2004 at 4:30 p.m. This motion carried by a vote of 7-0

Councillor McWhirter asked if the committee could have the sheriffs' amendment before the meeting on September 13, 2004 at 4:00 p.m. Chairwoman Moriarty Adams answered in the affirmative.

PROPOSAL NO. 463, 2004 adopts the annual budget for 2005 for certain judicial agencies of Marion County appropriating \$70,507,887

Mr. Jones stated he would like to offer an amendment to Proposal No. 463, 2004 to the County Clerk's budget increasing their Character 03 in the Perpetuation Fund by the amount that was reduced in the County General Fund for a total appropriation of \$338,760.

Councillor McWhirter asked from where the reduction is coming. Mr. Jones stated the reduction was taken from the County general fund.

Mr. Borrow stated this amendment increased appropriation to the Clerk's office from the Perpetuation Fund; however, it does not take any additional funds from the County General Fund. He stated he would recommend that the committee support this amendment, because it requires no spending related to the county general fund.

Doris Ann Sadler, Marion County Clerk, stated with great reluctance that she is willing to agree to move this money from the Clerk's Perpetuation Fund. She said she does not believe that the Clerk's Perpetuation Fund is the optimal place to fund the budget, but she understands that currently this is the only way that the council would be willing to fund it. She states the Clerk's Perpetuation Fund is there for very specific statutory purposes of improving record keeping in Marion County. She stated the Clerk's Office has not microfilmed court records in this county for at least the last four years, because there has been no money. She said the money that has been building up in the Clerk's Perpetuation Fund is for this purpose. The Clerk's office is also waiting for the new case management system to come on line, which has a document imaging component that will give the opportunity to use better and new technology. By using the funds

from the Clerks Perpetuation Fund, the Clerks office will not have the money to do what is required by state statute in about two years when this new system come on.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 463, 2004 as per Exhibit E part 1. This motion carried by a vote of 7-0.

[Clerks note: Exhibit E part 1 is the amended version of Proposal No. 463, 2004 and is on file in Council office with the original minutes]

Mr. Borrow stated that the council office also has an amendment to proposal 463. He said that this amendment is a specific request from Mr. Cook, and it would be an increase of \$2,019,092. This request would allow the Marion County Public Defender to be in compliance with state statute and state requirements based upon staffing to insure that they would qualify for reimbursement from the state of Indiana at a 40% level.

Councillor Schneider asked is this transfer of funds was legal, Mr. Borrow answered in the affirmative. Councillor Schneider asked who initiated these amendments. Mr. Borrow stated it was a combination of agencies, Councillors and staff working together to find a viable solution to funding all the Public Safety Agencies in the county.

Councillor McWhirter asked if the Public Defender is compliant with the law. Mr. Borrow answered in the affirmative. Councillor McWhirter stated that at Mr. Cook's budget presentations, there was a discussion on a way that the public defender might fund a portion of itself by generating additional fees and she asked if there has been anything done with that. Mr. Borrow stated it is one of those topics that are on the top of the list for generating additional fee revenue. He stated that Mr. Cook is working with Corporation Counsel to determine various avenues to take to start this project.

Ms. Sue Patterson, Court Service Agency Director of Finances, stated the Adult Probation Fund pays the state mandated salary increases for probation officers. She stated that in 2006 Juvenile will not be able to fund those increase and in 2007 Adult Probation will not be able to fully fund those salaries and the Court Service Agency will be back in front of the council for assistance from the general fund.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 463, 2004 as per Exhibit E part 2. This motion carried by a vote of 6-1 with Councillor Schneider casting the negative vote.

[Clerks note: Exhibit E part 2 is the amended version of Proposal No. 463, 2004 and is on file in Council office with the original minutes]

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 463, 2004 to the full Council with at "Do Pass as Amended " Recommendation. This motion carried by a vote of 6-1 with Councillor Schneider casting the negative vote.

PROPOSAL NO. 466, 2004 determines the tax levy for 2005 for each fund of the Consolidated City and Marion County (Public Safety portion only)

Mr. Borrow explained the amendment for Proposal No. 466, 2004, which is Exhibit F and is on file with the minutes in the Council office. Mr. Borrow stated in Line 10 there is \$122,312 appropriated to the Guardian Home budget, the next was a reduction of \$951,667 that does not represent real dollars reduction to anyone's budget but transfers to special revenues funds. The \$1 million for the health insurance for county employees so the employees who are not getting a raise will not face a lower dollar take home. The increased health insurance cost can be absorbed by the county. The Election Board had a request of transfers that resulted in a total of \$180 million plus. He stated there were miscellaneous revenues that would transfer those additional revenues back to the County Cumulative Fund to make up for the lost miscellaneous tax revenue. The \$180,719 is additional revenue that was transferred to the County General Fund as a result of the property tax rate being transferred in line 12.

Councillors McWhirter, and Schneider asked if the committee could see have a projected fund balance total before the Committee meeting on Monday. Mr. Borrow answered in the affirmative.

Auditor Womacks stated that she was not sure whether some of these funds could be utilized in the way that they have been suggested to be substituted for those reductions. She stated the Endorsement Fee Fund as well as the Sales Disclosure Fund are both amounts of money that are established for use by the township assessors. Councillor Schneider asked what the result of that would be. Auditor Womacks stated this total amounts to \$220,000 in the Auditor's budget and the Auditor's office will be hopeful that there will be some under spending by all county agencies. That would help the fund balance at the end of this year, and might be able to take the place of those funds if we find that they can not be utilized. She stated the Auditor's office is willing to do whatever it can. Mr. Borrow stated that the Council office has looked at these issues carefully and believes that the suggestion for transferring spending to the special revenue fund is reasonable giving the statutory municipal code restriction related to the current need for funding the Public Safety of Marion County.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 466, 2004 as per Exhibit F parts 1. This motion carried by a vote of 6-1 with Councillor Schneider casting the negative vote.

Mr. Jones stated this amendment is for appropriations to the Clerk's Perpetuation Fund that will increase the budget.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 466, 2004 as per Exhibit F part 2. This motion carried by a vote of 6-1 with Councillor Schneider casting the negative vote.

Councillor Talley moved, seconded by Councillor Oliver, to “Postpone as Amended” Proposal No. 466, 2004 until September 13, 2004 at 4:30 p.m. This motion carried by a vote of 7-0

PROPOSAL NO. 467, 2004 authorizes the payment of certain dues for the city and county offices and agencies (Public Safety portion only)

Ms. Lawrence stated it is required by ordinance to present a listing for potential memberships of employees.

Councillor Schneider stated that he votes against this proposal every year because 99% of the organizations on this list are of no benefit to the taxpayers.

Councillor Franklin stated that she agreed with Councillor Schneider That organizations do not benefit the taxpayers.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 467, 2004 to the full Council with at “Do Pass “ Recommendation. This motion carried by a vote of 5-2 with Councillor Franklin and Councillor Schneider casting the negative votes.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:43 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rp